

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

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STATE OF OKLAHOMA, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No.
)	4:05-CV-00329-TCK-SAJ
)	
TYSON FOODS, INC., et al.,)	
)	
Defendants.)	

* * * * *

DEPOSITION OF BEN POLLARD
TAKEN ON BEHALF OF THE DEFENDANTS
ON JANUARY 9, 2007, BEGINNING AT 9:36 A.M.
IN OKLAHOMA CITY, OKLAHOMA

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APPEARANCES:

MR. ROBERT D. SINGLETARY, Attorney at Law, of the
Office of Attorney General, 4545 N. Lincoln Boulevard, Suite
260, Oklahoma City, Oklahoma 73105, appearing on behalf of
the PLAINTIFF.

MS. D. SHARON GENTRY, Attorney at Law, of the firm
Riggs, Abney, Neal, Turpen, Orbison & Lewis, 5801 N.
Broadway, Suite 101, Oklahoma City, Oklahoma 73118, appearing
on behalf of the PLAINTIFF.

MS. NICOLE M. LONGWELL, Attorney at Law, of the
McDaniel Law Firm, 320 South Boston, Suite 700, Tulsa, Oklahoma
74113, appearing on behalf of the DEFENDANT PETERSON
FARMS, INC.

(Appearances continued on Page 2)

REPORTED BY: DANIEL LUKE EPPS, CSR, RPR

1 A Since 1991.

2 Q Since 1991. And did you work for the
3 commission prior to that as well?

4 A Yes.

5 Q How long have you been with the
6 Conservation Commission in total?

7 A Twenty-nine years.

8 Q My client -- clients, Tyson Foods, Tyson
9 Poultry, Tyson Chicken, and Cobb-Vantress have
10 sent two different types of discovery requests to
11 the state of Oklahoma in this case. One type is
12 called interrogatories. One type is called a request
13 for production. I'm going to ask you have you seen
14 any requests from any of my clients?

15 A No.

16 Q Okay. And I'm assuming since you have
17 not seen any of those requests, you have not asked
18 any of your staff to find information which is
19 responsive to those requests?

20 A Correct.

21 Q Do you know who Miles Tolbert is?

22 A Yes.

23 Q Who is Miles Tolbert?

24 A He's the secretary of environment for the
25 state of Oklahoma.

1 Q Has Mr. Tolbert come over here and
2 reviewed the documents that are in this room?

3 A Not to my knowledge.

4 Q Has he ever come over here and reviewed
5 documents with respect to this litigation that you
6 know of?

7 A Physically in this room after we've
8 compiled them or at any other time?

9 Q Or at any other time.

10 A Not to my knowledge, no.

11 MR. BOND: I don't have any further
12 questions.

13 MS. LONGWELL: I have no further
14 questions for you, Mr. Pollard, so I think that
15 means unless any of the other defendants in the
16 room have any questions, I just reserve the right
17 to re-call Mr. Pollard or the appropriate person for
18 the Oklahoma Conservation Commission with
19 regards to any physical documents that we find
20 were not produced and should have been
21 subsequently or any electronic discovery since
22 discovery -- they haven't conducted any electronic
23 search through the electronic information within
24 the OCC.

25 MS. GENTRY: Okay. Well, we can